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AUG 15 2005

MARJORIE E. MOTOOKA [S/B No. 136678]
 PRESTHOLT & FIDONE, LLP
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 (626)440-8800

ORDER E-FILED ON 8/19/05

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AUG 15 2005

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 RICHARD L. KIRKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

SAN JOSE DIVISION

CYNTHIA MENDEZ,

Plaintiff,

vs.

UNUM PROVIDENT CORPORATION;

PROVIDENT LIFE & ACCIDENT

INSURANCE COMPANY,

Defendant

) Case No.: C0401312 JW

) APPLICATION TO APPEAR BY
) TELEPHONE; ORDER

) Date: August 23., 2005

) Time: 10:00 a.m.

) Dept: 2

HRC By Fax

I, Marjorie E. Motooka, declare as follows:

1. I am an attorney at law licensed to practice in the State of California and the United States District Court for the Northern District of California and am associate at Prestholt & Fidone, attorneys of record for Civil Service Employees Insurance Company.

2. Civil Service Employees Insurance Company is not a party to this action but was served with a third party subpoena seeking records relating to Stephen Prater, one of the retained experts in this case. Mr. Prater is a training officer of Civil Service Employees Insurance Company.

3. My office is located in Pasadena, California.

APPLICATION TO APPEAR BY TELEPHONE - 1

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4. This motion was initially scheduled for August 9, 2005 but was continued at the request of plaintiff's counsel. The matter was continued to August 23, 2005 by the court. I have an appearance in Santa Barbara County Superior Court on Monday, August 22, 2005 and Wednesday, August 24, 2005. I therefore request that I be allowed to appear telephonically at the Motion to Compel which is scheduled to be heard in this court on August 23, 2005 at 10:00 a.m.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

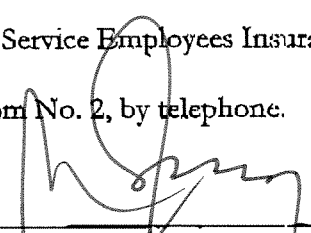
Executed this 12th day of August, 2005 at Pasadena, California.

marjorie E. motooka
MARJORIE E. MOTOOKA

ORDER

GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that Marjorie E. Motooka, counsel for Civil Service Employees Insurance Company, be permitted to appear at the hearing on Defendant's Motion to Compel against Civil Service Employees Insurance Company, scheduled for August 23, 2005 at 10:00 a.m. in Courtroom No. 2, by telephone.

DATED: 8/19/05


HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

5:04-cv-1312 Notice will be electronically mailed to:

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Courtesy copy will be mailed to:

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